

1
2 UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

3 -----X
GEICO, et al,

4
5 PLAINTIFF,

6 -against-

Case No.:

20-cv-03495 (FB) (SJB)

7
8 ALEXANDER ZAITSEV, M.D., et al,

9 DEFENDANT.

10 -----X
11 DATE: August 18, 2022

12 TIME: 10:16 A.M.
13
14

15 DEPOSITION of the Non-Party

16 Witness, ALLAN WEISSMAN, M.D., taken by the
17 Defendant, pursuant to a Subpoena and to
18 the Federal Rules of Civil Procedure, held
19 at the offices of Rivkin Radler, LLP, 25
20 Main Street, Court Plaza North, Suite 501,
21 Hackensack, New Jersey 07601-9004, before
22 Karyn Chiusano, a Notary Public of the
23 State of New York.
24
25

A P P E A R A N C E S:

RIVKIN RADLER, LLP

Attorneys for the Plaintiff

GEICO, et al

926 RXR Plaza

Uniondale, New York 11556-0926

BY: STEVEN T. HENESY, ESQ.

steven.henesy@rivkin.com

SCHWARTZ, CONROY & HACK, P.C.

Attorneys for the Defendant

ALEXANDER ZAITSEV, M.D., et al

666 Old Country Road ~ Suite 900

Garden City, New York 11530-2020

BY: MATTHEW J. CONROY, ESQ.

mjc@schlawpc.com

THE WEIR LAW FIRM, LLC

Attorneys for the Witness

DR. ALLAN WEISSMAN

1170 US Highway 22 East ~ Suite 205

Bridgewater, New Jersey 08807

BY: BONNIE M. WEIR, ESQ.

bmw@weirlawfirm.com

ALSO PRESENT:

COLLEEN O'NEIL, Rivkin Radler, LLP

*

*

*

F E D E R A L S T I P U L A T I O N S

IT IS HEREBY STIPULATED AND AGREED by and between the counsel for the respective parties herein that the sealing, filing and certification of the within deposition be waived; that the original of the deposition may be signed and sworn to by the witness before anyone authorized to administer an oath, with the same effect as if signed before a Judge of the Court; that an unsigned copy of the deposition may be used with the same force and effect as if signed by the witness, 30 days after service of the original & 1 copy of same upon counsel for the witness.

IT IS FURTHER STIPULATED AND AGREED that all objections except as to form, are reserved to the time of trial.

* * * *

1 ALLAN WEISMAN, M.D.

2 A L L A N W E I S M A N, called as
3 a witness, having been first duly affirmed
4 by a Notary Public of the State of New
5 York, was examined and testified as
6 follows:

7 EXAMINATION BY

8 MR. CONROY:

9 Q. Please state your name for the
10 record.

11 A. Allan Weisman.

12 Q. What is your address?

13 A. 351 Terhune Avenue, Passaic,
14 New Jersey 07055.

15 Q. Dr. Weisman, good morning.

16 A. Good morning.

17 Q. My name is Matthew Conroy.

18 I am an attorney in New York.

19 I represent Alexander Zaitsev, Ridgewood
20 Diagnostic Laboratory and Metropolitan
21 Interventional Medical P.C. in a lawsuit
22 entitled "Geico versus Zaitsev, et al."

23 We are here to take your
24 deposition this morning and before we
25 begin, I will give you basic cursory

1 ALLAN WEISMAN, M.D.

2 an Anesthesiologist called Dr. Chen; is
3 that correct?

4 A. Correct.

5 Q. But when we look -- if we turn
6 to the page of 5B, on the top, it says:
7 "Toxicology test requisition"?

8 A. Yes.

9 Q. You see that, at the top of
10 this document, next to "provider," your
11 name is listed on the requisition form.

12 A. Yes.

13 Q. Do you have any explanation for
14 that?

15 A. I think that is a mistake.

16 Q. If you go down to the bottom of
17 this document, you see that there's a line
18 for "Ordering Physician's Signature;"
19 correct?

20 A. Correct.

21 Q. And if you look immediately
22 proceeding that signature line.

23 (Witness complies.)

24 Q. You see that there is some
25 language that reads: "Medicare and other

1 ALLAN WEISMAN, M.D.

2 payers only cover testing that is medically
3 necessary the undersigned affirms that the
4 testing ordered on this requisition is
5 medically necessary for the diagnosis and
6 treatment of the patient for whom the
7 testing has been ordered. I hereby
8 authorize the above-ordered laboratory
9 tests."

10 Do you see that?

11 A. Yes.

12 Q. You see the signature line next
13 to the physician is blank; right?

14 A. Yes.

15 Q. If you turn to the next page.

16 (Witness complies.)

17 Q. This is the report generated by
18 Ridgewood Diagnostic Laboratory for the
19 testing performed in this urine sample?

20 A. Right.

21 Q. Pursuant to the form that we
22 just looked at?

23 A. Yes.

24 Q. And this document lists you, A.
25 Weisman, in the top right-hand corner, as

1 ALLAN WEISMAN, M.D.

2 the provider requesting this test?

3 A. Yes.

4 Q. But you didn't request this
5 test?

6 A. Correct.

7 Q. If someone were to submit these
8 documents to an insurance company
9 representing that you, Allan Weisman,
10 authorized and ordered this testing, that
11 would be a lie; right?

12 A. Correct.

13 Q. And that would be true, not
14 only for this document but for any document
15 that included your name with no signature
16 on the bottom; right?

17 A. Right.

18 MR. HENESY: I will take that
19 back.

20 Thanks.

21 Q. Let's just talk briefly,
22 Doctor, about urine screens and toxicology.

23 Are you generally aware of the
24 difference between "qualitative testing"
25 and "quantitative testing"?